

Remarks

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested. Applicant and his representative respectfully thank the Examiner for the courtesy of two telephonic interviews. The Examiner's comments were helpful and instructive.

By this Amendment, Applicant seeks to amend claims 1, 7, and 11. Unless indicated otherwise, the claim amendments are for purposes of clarity and not to overcome any rejection in the Office Action. These changes are believed to introduce no new matter, and their entry is respectfully requested. Claims 1-20 remain pending in the application.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 5, and 11 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Talaro (previously of record) in view of U.S. Patent No. 6,473,411 (hereafter "Kumaki"). Claims 3-4, 7 and 9-10 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Talaro in view of Kumaki as applied to claims 1, 5, and 11 above, and further in view of Hagio (previously of record). Claim 6 stands rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Talaro in view of Kumaki as applied to claim 1, 5, and 11 above, and further in view of Newberg (previously of record). And claims 2, 8 and 12-20 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Talaro in view of Kumaki and further in view of Hagio as applied to claims 3-4, 7 and 9-10 above, and further in view of Mullins (previously of record). Applicant respectfully traverses these rejections.

To establish a *prima facie* case of obviousness, all of the claimed limitations must be taught or suggested by the prior art and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, MPEP Section 2142.

Applicants respectfully submit that the combined teachings of Talarmo, Kumaki, Hagio, Newberg, and Mullins fail to teach or suggest the claimed invention. In particular, the combination of references fails to teach or suggest a method or system wherein (i) repeaters **initially** provide a control channel and a plurality of traffic channels for mobile users, (ii) a station controller proactively re-allocates the **initially provided** control channel as a traffic channel, and (iii) re-allocates one of the **initially provided** traffic channels as a new control channel, as recited in claims 1, 7, and 11.

For example, in Talarmo, an initially allocated traffic channel is re-allocated for use as a new control channel. Later, this new control channel, **originally allocated as a traffic channel**, is released, and returned to use as a traffic channel (e.g., see Talarmo col. 11, lines 10-17). That is, although the new control channel was re-allocated from traffic channel status to control channel status, when released, it is simply returned to its initially assigned use as a traffic channel. The new control channel was **not** initially allocated as a control channel, and later re-allocated as a traffic channel.

By contrast, Applicant's invention proactively re-allocates a channel **initially provided** as a control channel, as a new traffic channel (please see Applicant's specification paragraph 23, and FIG. 2), as recited in claims 1, 7, and 11. As noted by

the Examiner during the interview, this missing feature is not disclosed, taught, or suggested in any of the other cited references.

Therefore, assuming *arguendo*, that one would be motivated to combine these references in the manner suggested by the Office Action, the present invention would not be obvious in view of such combinations. The suggested combinations would not result in the presently claimed invention reciting a method or system of independent claims 1, 7, and 11 as cited above.

The Office Action also states on page 3 that "Talaro does not specifically disclose that the re-allocation is done proactively. Kumaki discloses allocating a control channel in advance (see col. 14, lines 19-12)." Applicant respectfully disagrees that Kumaki's reference to "allocating a control channel in advance" equates to Applicant's claimed teaching of "proactively allocating a traffic channel as a control channel and a control channel as a traffic channel," as recited in claims 1, 7, and 11. Kumaki simply suggests that a given channel can be designed as a control channel apriorily. Such a designation does not ipso facto equate to the proactive re-allocation of control or traffic channels.

In view of the above arguments, one of ordinary skill in the art at the time of the invention would not have been motivated to modify Talaro as suggested in the Office Action. Therefore, claims 1, 7, and 11 have not been rendered obvious by the suggested combination of references and are allowable under 35 U.S.C. Sec. 103(a).

Claims 2-6 depend from claim 1, claims 7-10 depend from claim 7, and claims 12-20 depend from claim 11. Therefore, claims 2-6, 7-10, and 12-20 are allowable at

least for the reasons articulated above in connection with their respective independent claims 1, 7, and 11.

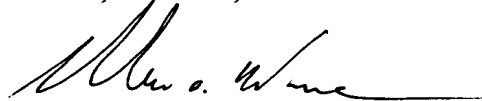
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Theodore A. Wood
Attorney for Applicant
Registration No. 52,374

Date: September 27, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600